

REMARKS

The Claim Amendments

Applicants have cancelled claims 1-44 and 53-54. This is consistent with their election of the claims of Group IV (claims 45-52).

Applicants have also added new claims 55-85. These claims are supported in the application as filed. They are directed to the same method of treating disease as the claims in elected Group IV. Indeed, the new claims depend directly or indirectly on claims within Group IV. Therefore, they should be examined as part of Group IV.

The Restriction Requirement

The Examiner, citing 37 C.F.R. § 1.499, has restricted claims 1-54 filed in this application into five (5) groups:

- Group I. Claims 1-35, drawn to a pharmaceutical composition for treating and preventing a disease of the respiratory system and a dosage formulation.
- Group II. Claims 36-38, drawn to a device for treating the respiratory system.
- Group III. Claims 39-44, drawn to a method for manufacturing a particle.
- Group IV. Claims 45-52, drawn to method for treating a disease of the respiratory system.
- Group V. Claims 53-54, drawn to a method of manufacturing a medicament.

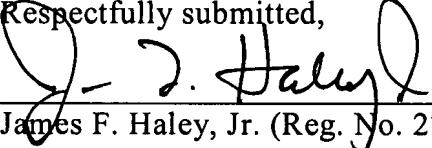
Application No. 10/564,269
Reply dated October 25, 2007
In Response to July 25, 2007 Restriction Requirement

Applicants elect Group IV (claims 45-52), without traverse.

Applicants make this election specifically without waiver of their right to seek patents on the non-elected claims in applications claiming the benefit and priority of this application.

CONCLUSION

Applicants request consideration and allowance of the elected claims.

Respectfully submitted,

James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants

ROPES & GRAY LLP
1211 Avenue of the Americas
New York, New York 10036
Tel.: (212) 596-9000
Fax.: (212) 596-9090